

SKOUFALOS AFFIDAVIT

MAY 21, 2008

EXHIBIT F

BROWN GAVALAS & FROMM LLP
Attorneys for Defendant
JALAPA SHIPPING LIMITED
355 Lexington Avenue
New York, New York 10017
212-983-8500

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK

-----X
JALAPA SHIPPING LIMITED,

07 Civ. 8715 (RJH)

Plaintiff,

- against -

SUNDERSONS LTD., MILAN NIGERIA LTD.,
SIMRAN MEHER LTD. and VALECHHA
HOLDINGS LIMITED,

Defendants.

-----X
**AFFIDAVIT IN
OPPOSITION TO NON-
PARTY'S APPLICATION
TO VACATE MARITIME
ATTACHMENT
REGARDING CERTAIN
FUNDS BEING HELD BY
AMERICAN EXPRESS
BANK LTD.**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

PETER SKOUFALOS, being duly sworn, deposes and says:

1. I am a member of the firm of Brown Gavalas & Fromm LLP and of this Honorable Court. I submit this affidavit in opposition to the application of non-party, Conti-Agro Nigeria Limited ("Conti-Agro"), to release the amount of \$163,730.00, which has been attached by American Express Bank Ltd. pursuant to the Order of this Court.

2. I have previously opposed Conti-Agro's application in letters to the Court dated November 20 and November 26, 2007. Copies are annexed hereto as Exhibit "A".

3. In addition, counsel for American Express Bank Ltd., the garnishee bank currently restraining the funds pursuant to this Court's Order, has also written to the

Court to address Conti-Agro's application. A copy of the letter of Barry J. Glickman, Esq., dated November 21, 2007 is annexed hereto as Exhibit "B".

4. Annexed hereto as Exhibit "C" is the docket sheet and voluntary dismissal from *Allied Maritime Inc., et al. v. Milan Nigeria Ltd.*, 07 Civ. 3522 (PKC). The funds at issue (\$163,730.00) were originally attached in this action.

5. Annexed hereto as Exhibit "D" is a page from <http://www.supplyNbuy.com>, a website I visited on December 28, 2007. The website contains an entry (and address) for defendant Milan Nigeria Limited and describes "Conti-Agro Nigeria Limited" as an "associate company."

6. Annexed hereto as Exhibit "E" is a page from <http://www.alibaba.com>, a website I also visited on December 28, 2007. The website contains an entry (and address) for Conti-Agro. As can be seen, defendant Milan Nigeria and Conti-Agro share the identical address in Lagos, Nigeria. In addition, Exhibit "D" identifies the "legal representative/business owner" of Conti-Agro as Ramesh Valechha.

7. Annexed hereto as Exhibit "F" is an email from Ramesh Valechha dated September 17, 2007. As can be seen, Mr. Valechha uses the email account of the "Milan Group." Additional Internet searches reveal that Mr. Valechha is also the chairman of the Milan Industries Limited, which is believed to be the parent corporation for all the defendants in this matter, as well as Conti-Agro. See Exhibit "F" annexed hereto.

8. Annexed hereto as Exhibit "G" is a page from <http://europe.bloombiz.com>, a website I also visited on January 2, 2008. The website contains an entry for the defendant, Milan Nigeria, and promotes "raw cashew nuts". As can be seen from Exhibit "E," Conti-Agro main "product/service" also advertises "raw

cashew nuts in shell.” Other business-to-business portals readily available on the Internet indicate that defendant Milan Nigeria Limited directly offers all the commodities linked to Conti-Agro in Exhibit “E”.

9. The defendants’ own website at www.milannigeria.com was not available as of the date of this affidavit. Annexed hereto as Exhibit “H” is a print-out from the defendants’ website indicating that it is currently “under maintenance”.

Dated: New York, New York
January 2, 2008



Peter Skoufalos (PS-0105)

Sworn to before me this 2nd day
January, 2008



NOTARY PUBLIC

EVAN B. RUDNICKI
Notary Public of the State of New York
No. 02RUG142314
Qualified in Rockland County
Term Expires March 10, 2012

EXHIBIT

“A”

BROWN GAVALAS & FROMM LLP

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HARRY A. GAVALAS
(1978-1999)
ROBERT J. SEMINARA
(1987-1999)

November 20, 2007

BY HAND

Honorable Richard J. Holwell
United States District Judge
500 Pearl Street, Room 1950
New York, New York 10007

Re: Jalapa Shipping Limited v. Sundersons Ltd., et al.
07 Civ. 8715 (RJH)
Our File No.: 1593.0003

Dear Judge Holwell:

We are counsel for the plaintiff in the referenced matter. We write to respond to Mr. Belknap's letter to the Court dated November 19, 2007, a copy of which we received yesterday afternoon at about 4:15 p.m.

Mr. Belknap represents Conti-Agro Nigeria Limited ("Conti-Agro"), a company which Mr. Belknap describes as "in the same corporate family as the defendants in this action." The defendants in this action include the defendant Milan Nigeria Ltd. ("Milan Nigeria").

Beside the present action, Milan Nigeria is/has been a defendant in at least two other Rule B attachment actions filed in the Southern District of New York this year: (1) *Allied Maritime Inc., et al. v. Milan Nigeria Limited*, 07 Civ 3522 (KPC) (sole defendant) ("the Allied Maritime Action") and (2) *Cruiser Shipping Pte. Ltd., et al v. Sundersons Ltd., et al.*, 07 Civ. 4036 (JGK) (multiple defendants) ("the Cruiser Shipping Action").¹

¹ Mr. Belknap, who now represents Conti-Agro, was counsel for the plaintiff in the Allied Maritime Action. Our firm represents the plaintiff in the Cruiser Shipping Action.

BROWN GAVALAS & FROMM LLP

Honorable Richard J. Holwell
United States District Judge
November 20, 2007
Page 2

The present action was filed on October 9, 2007 and sought an attachment of the property of the defendants, including Milan Nigeria, in the amount of \$400,250.55. Your Honor authorized attachment in that amount in an Order dated October 10, 2007 and in an amended Order dated October 22, 2007.² It is the plaintiff's position in the present action that the sum of \$163,730.50 is property of defendant Milan Nigeria and has been duly attached pursuant to the aforementioned Orders of this Court.

The contention by Conti-Agro that these funds are its property and not that of Milan Nigeria is highly disingenuous and is belied by Conti-Agro's own behavior. The Court should note that the electronic fund transfer of \$163,730.50 was first restrained by American Express Bank Ltd. ("AEBL") in the Allied Maritime Action on or about September 11, 2007. These funds remained under attachment in the Allied Maritime Action through September 28, 2007 when the action was voluntarily dismissed. *As far as we are aware, at no time did Conti-Agro appear in the Allied Maritime Action to argue that the attached funds were its property and not that of Milan Nigeria, or to seek a vacatur of the subject attachment.*³

Nor did Conti-Agro appear in the Cruiser Shipping Action to dispute the attachment of the funds pursuant to Judge Koeltl's order of attachment in that case. The plaintiff in the Cruiser Shipping Action was first notified of the attachment of the \$163,730.50 on September 12, 2007. Attached hereto as Exhibit "A" is an email dated September 14, 2007 from AEBL's counsel confirming the earlier notice of September 12th. As can be seen, AEBL's email also enclosed an International Money Transfer confirmation reflecting Milan Nigeria as the originator of the electronic fund transfer of \$163,730.50.

Notice of the attachment by AEBL in the Cruiser Shipping Action was given to Milan Nigeria on September 13, 2007 (Exhibit "B" attached hereto). It was not until September 19, 2007 that we were first advised by AEBL that yet another bank, Deutsche Bank, had been advised "that the remitting bank, Platinumhabib Bank PLC, inadvertently named Milan Nigeria LTD as the originator of this transaction." (Exhibit "C").⁴ We

² The amended Order (i) included the defendant Valechha Holdings Ltd. in the caption and (ii) included garnishee Deutsche Bank among the list of garnissees in the body of the Order.

³ Of course, the voluntary dismissal of the Allied Maritime Action did not result in the release of the \$163,730.50 attached by AEBL on September 11th, since these same funds were subject to Judge Koeltl's order of attachment in the Cruiser Shipping Action and pursuant to this Court's Orders in the present action.

⁴ Platinumhabib Bank PLC is also Milan Nigeria's main banker. Therefore, it is difficult to evaluate the extent to which the belated notice of an alleged error received from that bank maybe nothing more than a favor to a good customer.

BROWN GAVALAS & FROMM LLP

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Page 3

immediately contacted AEBL and advised that it was plaintiff's position that these funds remained subject to Judge Koeltl's order of attachment in the Cruiser Shipping Action. *As far as we are aware, at no time did Conti-Agro appear in the Cruiser Shipping Action to argue that the attached funds were its property and not that of Milan Nigeria, or to seek a vacatur of the subject funds.*

Finally, plaintiff objects to Conti-Agro's effort to sidestep the procedures provided for in the Supplemental Admiralty Rules applicable to Rule B attachments. Supplemental Rule E(4)(f) provides that "any person claiming an interest" in property is entitled to a prompt hearing. Conti-Agro should be required to comply with this rule so as to allow plaintiff a full and complete opportunity to respond and to present additional evidence in opposition to the request to release the attached funds.

We thank the Court for its consideration.

Respectfully,

BROWN GAVALAS & FROMM LLP


Peter Skoufalos

PS/ag
Enclosures

cc: (via email)
Blank Rome LLP
Attn.: Thomas H. Belknap, Jr., Esq.

Zeichner Ellman & Krause LLP
Attn.: Barry J. Glickman, Esq.

EXHIBIT "A"

Peter Skoufalos

From: Martha M. Fletcher [MFletcher@zeklaw.com]
Sent: Friday, September 14, 2007 2:01 PM
To: 'pskoufalos@browngavalas.com'
Cc: Barry J. Glickman
Subject: RE: Cruiser Shipping Pte. Ltd. et al v. Sundersons Ltd., et al., Case 07-CV-04036 (JGK)
Attachments: TRN 070911-49687.pdf



TRN
911-49687.pdf (79)

Mr. Skoufalos:

Per your request, please find attached the wire instructions for TRN 070911-49687 in connection with the above-referenced matter. Please let me know if you have any questions.

Martha Fletcher
 Paralegal
 On behalf of Barry Glickman, Esq.
 Zeichner Ellman & Krause LLP
 575 Lexington Avenue
 New York, NY 10022
 (212) 826-5351 (telephone)
 (212) 753-0396 (facsimile)
 e-mail: mfletcher@zeklaw.com
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From: Peter Skoufalos [mailto:pskoufalos@browngavalas.com]
 Sent: Friday, September 14, 2007 12:20 PM
 To: Martha M. Fletcher
 Cc: Barry J. Glickman

Subject: Cruiser Shipping Pte. Ltd. et al v. Sundersons Ltd., et al., Case 07-CV-04036 (JGK) [ORef.:
1593.0001]

Martha,

I would be grateful if you could get back to me on my inquiry of this morning on the referenced matter.

Peter Skoufalos
Brown Gavalas & Fromm LLP
355 Lexington Avenue, 4th Floor
New York, New York 10017-6603

Tel.: 212 983-8500

Fax: 212 983-5946

Mob.: 917 686-3600

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www.browngavalas.com <blocked::http://www.browngavalas.com/>

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[600] Orig to Benef info:

PERITY

REF:MV HONG PROS

MESSAGE HISTORY SEQUENCE

USN is the owning bank. Priority: Delivery ACK:
 REF_INDEX REF #: 2007091100049687 11-SEP-2007 13:10:36.05
 CHIP\$INI SEQ #: 8983 11-SEP-2007 13:10:36.05
 CHIP\$IN SEQ #: 8979 11-SEP-2007 13:10:36.05
 CHIP\$RCV AMT: 163730.50ORIG OSN: 8979 PAR: 0103
 CHIP\$OSN SSN: PSM: VERSION: 0
 CHIP\$IN AMT: 163730.50
 CHIP\$SN AMT: 163730.50 TIME: 11-SEP-2007 13:10:36.05
 SEQ #: 275251 11-SEP-2007 13:10:36.05
 Memo: CHIPS TIME: 131034
 CHIP\$INO DEQ
 CHIPIN LOG AMT: 163730.50 TIME: 11-SEP-2007 13:10:36.19
 SENDREFNDX KEY:
 SYS MEMO *CVD:999 DVD:999 PSD:12 SSD:--- DBD:1 CBD:1
 *SYS MEMO Stop_Check msg routed to EXTERNAL STOP SERVER 11-SEP
 -2007 13:10:36.23
 *SYS MEMO *MRH/*MR/MAP/ /Y/\$\$\$MAP
 *DDA_INQ_DBT INQ_DBT AMOUNT: 163730.50
 *DDA_INQ_CDT INQ_CDT AMOUNT: 163730.50
 ISX_OUTQ DEQ
 ISX_PNDDLVQ ENQ SEQ: 831000 11-SEP-2007 13:10:37.30REF:
 2007091100049687
 ISX1_SRF KEY:
 ISX1_OUT SEQ #: 831000 11-SEP-2007 13:10:37.30 Info:
 1100049687831000 ISX1_SND SEQ #: 831000 11-SEP-2007 13:10:37.30 Info:
 1100049687831000 ISX1_ACK SEQ #: 831000 11-SEP-2007 13:10:37.35 Info:
 +

EXHIBIT “B”

Peter Skoufalos

From: Peter Skoufalos [pskoufalos@brownngavalas.com]
Sent: Thursday, September 13, 2007 4:20 PM
To: 'Vikram Valechha'
Subject: Cruiser Shipping Pte. Ltd. et al v. Sundersons Ltd., et al., Case 07-CV-04036 (JGK) [ORef.: 1593.0001]

Attachments: Second Amended Verified Complaint0001.pdf; Koeltl 2nd Amend. Order 9-6-070002.pdf.pdf



Second Amended Koeltl 2nd Amend.
Verified Compla... Order 9-6-07...

Dear Mr. Valechha,

With regard to the defendant, Milan Nigeria Ltd., this is to notify you of an attachment in the amount of US \$163,730.50 by American Express Bank Ltd. pursuant to the order of attachment issued by Judge Koeltl in the referenced matter. This action, as you know, is now pending in the Southern District of New York.

A copy of the second amended verified complaint and second amended order dated Sept. 6, 2007, are attached.

Please do no hesitate to contact me if you require any further information concerning this notice.

Peter Skoufalos

Brown Gavalas & Fromm LLP
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New York, New York 10017-6603

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Fax: 212 983-5946
Mob.: 917 686-3600

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EXHIBIT “C”

Peter Skoufalos

From: Martha M. Fletcher [MFletcher@zeklaw.com]
Sent: Wednesday, September 19, 2007 4:27 PM
To: pskoufalos@brownsgavalas.com
Cc: Barry J. Glickman
Subject: FW: Cruiser Shipping Pte. Ltd. et al v. Sundersons Ltd., et al., Case 07-CV-04036 (JGK) [ORef.: 1593.0001]

Mr. Skoufalos:

Further to our telephone conversation today concerning the referenced matter, the following is a portion of a SWIFT message from Deutsche Bank Trust Co. Americas to American Express Bank in which it explains that the remitting bank, Platinumhabib Bank PLC, inadvertently named Milan Nigeria LTD as the originator of this transaction (TRN 070911-49687) when, in fact, the true originator is Conti-Agro Nigeria Limited. Please let us know if you need additional information.

Quality has received the below swift message, please advise:

:20:070912 604641
.21:AEB0725501203
.76:
.79. IN REFERENCE TO YOUR MESSAGE DD 09/12/07 UNDER REFERENCE AEB0725501203 WE REFER

TO SSN DATED 09/11/07 FOR USD 163,730.50 BY ORDER OF PLATINUMHABIB BANK PLC (FMR PLATINU
LAGOS, NIGERIA).
AS REQUESTED THE FOLLOWING ARE CORRECTED DETAILS AS CONFIRMED BY THE REMITTING
BANK PLATINUMHABIB BANK PLC REGARDING THE ABOVE REFERENCED
TRANSACTION:QUOTE:KINDLY AMEND TAG 50K TO READ:CONTI-AGRO NIGERIA LIMITED ACCOUNT
NUMBER:107102000300 WITH PLATINUM HABIB BANK PLC.

ALSO AMEND TAG 70 TO READ: PURPOSE: PAYMENT OF FREIGHT FOR MV HONG PROPERTY ALL
OTHER TERMS REMAIN SAME .

PLEASE TREAT AS URGENT, AS ERROR IS FROM THE BANK THANKS FOR YOUR CO-OPERATION.
END QUOTE

PLEASE AVOID DUPLICATION, PLEASE CONFIRM IF FUNDS WILL AND OR NOT BE RELEASE
CONCERNING THIS AMENDMENT REQUEST NO INDEMNITY IMPLIED.

PLEASE QUOTE OUR REFERENCE NUMBER, 070912604641 IN ALL FUTURE CORRESPONDENCE
RELATING TO THIS CASE.

REGARDS, ROY BOOTH PAYMENT INVESTIGATIONS

Martha Fletcher
Paralegal
On behalf of Barry Glickman, Esq.
Zeichner Ellman & Krause LLP
575 Lexington Avenue
New York, NY 10022
(212) 826-5351 (telephone)
(212) 753-0396 (facsimile)
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-----Original Message-----

From: Martha M. Fletcher
Sent: Friday, September 14, 2007 2:01 PM
To: 'pskoufalos@browngavalas.com'
Cc: Barry J. Glickman
Subject: RE: Cruiser Shipping Pte. Ltd. et al v. Sundersons Ltd., et al., Case 07-CV-04036 (JGK) [ORef.: 1593.0001]

Mr. Skoufalos:

Per your request, please find attached the wire instructions for TRN 070911-49687 in connection with the above-referenced matter. Please let me know if you have any questions.

Martha Fletcher
Paralegal
On behalf of Barry Glickman, Esq.
Zeichner Ellman & Krause LLP
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Sent: Friday, September 14, 2007 12:20 PM
To: Martha M. Fletcher
Cc: Barry J. Glickman
Subject: Cruiser Shipping Pte. Ltd. et al v. Sundersons Ltd., et al., Case 07-CV-04036 (JGK) [ORef.: 1593.0001]

Martha,

I would be grateful if you could get back to me on my inquiry of this morning on the referenced matter.

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HARRY A. GAVALAS
(1978-1998)
ROBERT J. SEMINARA
(1987-1998)

November 26, 2007

BY HAND

Honorable Richard J. Holwell
United States District Judge
500 Pearl Street, Room 1950
New York, New York 10007

Re: Jalapa Shipping Limited v. Sundersons Ltd., et al.
07 Civ. 8715 (RJH)
Our File No.: 1593.0003

Dear Judge Holwell:

We are counsel for the plaintiff in the referenced matter.

We last wrote to the Court on Wednesday morning, November 21st, in response to correspondence sent by attorneys representing a non-party, Conti-Agro Nigeria Limited ("Conti-Agro"). Since our last letter, a further letter has been sent to the Court by Conti-Agro's attorneys and by counsel for the garnishee bank, American Express Bank Ltd. ("AEBL").

Initially, we wish to note again that the proper method of challenging a Rule B attachment is a motion under Supplemental Rule E(4)(f); not a flurry of letters sent to the Court on the eve of the Thanksgiving Day holiday. It is simply inappropriate for Conti-Agro to attempt to vacate a duly-ordered Rule B attachment without allowing plaintiff a full opportunity to respond in the form of affidavits and memoranda of law.

Second, Conti-Agro's arguments are, on their face, unconvincing. What is clear is that the defendant, Milan Nigeria Ltd. ("Milan Nigeria") and Conti-Agro are part of the same corporate group and may be using their corporate names interchangeably—perhaps

BROWN GAVALAS & FROMM LLP

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Page 2

for the sole purpose of avoiding Rule B attachments. Moreover, it is indeed plaintiff's position that Conti-Agro waived any right it may have had to contest the restraint of these funds by sitting on its hands in two prior actions in which these same funds (\$163,730.50) were attached as property of Milan Nigeria. In essence, Milan Nigeria and Conti-Agro are relying on their alleged corporate "separateness" only when it is convenient to avoid a duly issued order of attachment from this Court.

The self-serving nature of Conti-Agro's current argument is also highlighted in the letter of AEBL's counsel to the Court dated November 21, 2007. As Mr. Glickman points out, the defendants in the present case and Conti-Agro have not always been consistent in maintaining a separate corporate identity. The defendants should not be rewarded for creating and then exploiting an ambiguous corporate affiliation with Conti-Agro.

Third, Conti-Agro itself need not be a named defendant for the subject funds to be subject to this Court's attachment order. "A plaintiff need not aver an alter-ego relationship in the Complaint for a Rule B attachment to be proper," *Essar Int'l Ltd. v. Martrade Gulf Logistics, FZCO*, 2007 U.S. Dist. LEXIS 61713 (SDNY 8/23/07), citing *Maersk Inc. v. Neewra, Inc.*, 443 F.Supp. 2d 519, 527-30 (whether grounds exist for Rule B attachment not limited to allegations of Complaint).

In the present case, the Court should find that, at a minimum, defendant Milan Nigeria has an interest in the attached funds and that these funds continue to be subject to the Court's attachment order in this case.

We thank the Court for its consideration and remain available to appear before Your Honor in regard to this matter.

Respectfully,

BROWN GAVALAS & FROMM LLP

Peter Skoufalos

PS/ag
Enclosures

BROWN GAVALAS & FROMM LLP

Honorable Richard J. Holwell
United States District Judge
November 26, 2007
Page 3

cc: (via email)
Blank Rome LLP
Attn.: Thomas H. Belknap, Jr., Esq.

Zeichner Ellman & Krause LLP
Attn.: Barry J. Glickman, Esq.

EXHIBIT

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FAX: (973) 364-9960

November 21, 2007

BY HAND

Honorable Richard J. Holwell
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
Room 1950
New York, New York 10007

Jalapa Shipping Limited v. Sundersons Ltd. et al.
07 CV 8715 (RJH)

Dear Judge Holwell:

We are counsel to non-party garnishee American Express Bank Ltd. ("AEB") in connection with a Process of Maritime Attachment and Garnishment ("PMAG") served in the referenced matter. We write further to the letters of counsel to non-party Conti-Agro Nigeria Limited ("Conti-Agro") and plaintiff dated November 19, 2007 and November 20, 2007, respectively.

Conti-Agro's counsel makes the point that by e-mail dated October 25, 2007 he asked us to release the restraint placed on the subject transfer on or about September 11, 2007. At that time, counsel said nothing about his representation of Conti-Agro. Rather, he identified himself as counsel to "defendants Sundersons, et. al." and stated that "Defendants have been receiving pressure from Conti-Agro to do the necessary to ensure that this attachment is released immediately." To be sure, initially we were somewhat confused by counsel's request because the subject wire transfer was blocked in the first instance at his very request when he was counsel of record to plaintiff in the Allied Maritime Action. In this regard, we note that on September 19, 2007 we gave counsel notice of AEB's receipt of the message in which it was told that

ZEICHNER ELLMAN & KRAUSE LLP

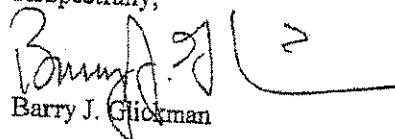
Honorable Richard J. Holwell
November 21, 2007
Page 2

the originator was incorrect and asked if, under the circumstances, it was plaintiff Allied's intention to continue to interfere with the transaction. By e-mail dated September 24, 2007 (copy enclosed) plaintiff Allied's counsel, who now represents "defendants Sundersons, et. al." and Conti-Agro, by his paralegal, confirmed that plaintiff Allied wanted AEB to "continue to restrain the funds."

We bring this to this Court's attention to emphasize that AEB is caught between the proverbial rock and a hard place in the sense that once the funds were blocked it did not have the resources to conclusively determine the true originator of the subject wire transfer. In light of this fundamental truism, on or about October 25, 2007 we told Conti-Agro's counsel that the correct mechanism by which this matter was to be resolved with finality was by way of a court order. Indeed, we have had no contact with either party's attorney since then.

AEB has, at all times, acted in good faith and with the sole objective of honoring and adhering to the letter and spirit of the PMAG. Surely, AEB will not release the funds without a court-order or the mutual consent of the parties. In an effort to avoid ambiguity and provide clarity, we respectfully ask this Court to give its guidance and determine whether the disputed funds should continue to be restrained or if the subject wire transfer may proceed pursuant to the original wire instructions.

Respectfully,


Barry J. Glickman

BJG:jd
Enclosure

cc: Thomas H. Belknap, Jr., Esq (by e-mail, w/encl)
Peter Skoufalos, Esq. (by e-mail, w/encl.)

Barry J. Glickman

From: Mitchell, Neal [nmitchell@BlankRome.com]
Sent: Monday, September 24, 2007 8:52 AM
To: Martha M. Fletcher
Cc: Barry J. Glickman; Belknap, Thomas H.
Subject: RE: Allied Maritime Inc. and Maritima Allied PTE Ltd., v. Milan Nigeria Ltd., - S.D.N.Y 07 Civ. 3522 (PKC) - Our Ref. No. 601704-00002

Ms. Fletcher

Please continue to restrain the funds in the captioned matter.

Neal Mitchell | Paralegal | Blank Rome LLP
The Chrysler Building, 406 Lexington Avenue | New York, NY 10174-0208
Phone: 212.885.5146 | Fax: 212.885.5001 | Email: NMitchell@BlankRome.com

From: Martha M. Fletcher [mailto:MFletcher@zeklaw.com]
Sent: Thursday, September 20, 2007 1:57 PM
To: Mitchell, Neal
Cc: Barry J. Glickman
Subject: RE: Allied Maritime Inc. and Maritima Allied PTE Ltd., v. Milan Nigeria Ltd., - S.D.N.Y 07 Civ. 3522 (PKC) - Our Ref. No. 601704-00002

Mr. Mitchell:

Per your request, please find attached the wire instructions for TRN 070911-49687 in connection with the above-referenced matter. Please let me know if you have any questions.

Martha Fletcher
Paralegal
On behalf of Barry Glickman, Esq.
Zeichner Ellman & Krause LLP
575 Lexington Avenue
New York, NY 10022
(212) 826-5351 (telephone)
(212) 753-0396 (facsimile)
e-mail: mfletcher@zeklaw.com
www.zeklaw.com

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Page 2 of 4

If you have received this message in error, please immediately contact the sender and delete this e-mail and any attachments from your computer. Thank you.

From: Mitchell, Neal [mailto:nmitchell@BlankRome.com]
Sent: Thursday, September 20, 2007 12:31 PM
To: Martha M. Fletcher
Subject: RE: Allied Maritime Inc. and Maritima Allied PTE Ltd., v. Milan Nigeria Ltd., - S.D.N.Y 07 Civ. 3522 (PKC)
- Our Ref. No. 601704-00002

Dear Ms. Fletcher

I have forwarded your notice to the attorney on this matter and he requests the original SWIFT message of this transaction. Please let me know if you can provide as it will aid us in determining whether or not we will continue to restrain these funds.

Thank you.

Neal Mitchell | Paralegal | Blank Rome LLP
The Chrysler Building 405 Lexington Avenue | New York, NY 10174-0208
Phone: 212.885.5000 | Fax: 212.885.5001 | Email: NMitchell@BlankRome.com

From: Martha M. Fletcher [mailto:MFletcher@zeklaw.com]
Sent: Wednesday, September 19, 2007 5:33 PM
To: Mitchell, Neal
Cc: Barry J. Glickman
Subject: Allied Maritime Inc. and Maritima Allied PTE Ltd., v. Milan Nigeria Ltd., - S.D.N.Y 07 Civ. 3522 (PKC) -
Our Ref. No. 601704-00002

Dear Mr. Mitchell:

On September 12, 2007, you asked American Express Bank to block funds in the amount of 163,730.50 originating from Milan Nigeria Ltd. In connection with this transaction, the following is a portion of a SWIFT message from Deutsche Bank Trust Co. Americas to American Express Bank in which it explains that the remitting bank, Platinumhabib Bank PLC, inadvertently named Milan Nigeria LTD as the originator of this transaction (TRN 070911-49687) when, in fact, the true originator is Conti-Agro Nigeria Limited.

In light of the foregoing, please let me know if it is still plaintiff's intention to interfere with this transaction.

Quality has received the below swift message, please advise:

:20:070912 604641
:21:AEB0725501203
:76..

.79.IN REFERENCE TO YOUR MESSAGE DD 09/12/07 UNDER REFERENCE AEB0725501203
WE REFER TO SSN DATED 09/11/07 FOR USD 163,730.50 BY ORDER OF PLATINUMHABIB
BANK PLC (FMR PLATINU LAGOS, NIGERIA).
AS REQUESTED THE FOLLOWING ARE CORRECTED DETAILS AS CONFIRMED BY THE

REMITTING BANK PLATINUMHABIB BANK PLC REGARDING THE ABOVE REFERENCED TRANSACTION:QUOTE KINDLY AMEND TAG 50K TO READ:CONTI-AGRO NIGERIA LIMITED ACCOUNT NUMBER:107102000300 WITH PLATINUM HABIB BANK PLC.

ALSO AMEND TAG 70 TO READ: PURPOSE: PAYMENT OF FREIGHT FOR MV HONG PROPERTY ALL OTHER TERMS REMAIN SAME.
PLEASE TREAT AS URGENT, AS ERROR IS FROM THE BANK THANKS FOR YOUR CO-OPERATION.

END QUOTE

PLEASE AVOID DUPLICATION. PLEASE CONFIRM IF FUNDS WILL AND OR NOT BE RELEASE CONCERNING THIS AMENDMENT REQUEST NO INDEMNITY IMPLIED.

PLEASE QUOTE OUR REFERENCE NUMBER, 070912604641 IN ALL FUTURE CORRESPONDENCE RELATING TO THIS CASE.

REGARDS, ROY BOOTH PAYMENT INVESTIGATIONS

Martha Fletcher
Paralegal
On behalf of Barry Glickman, Esq.
Zeichner Ellman & Krause LLP
575 Lexington Avenue
New York, NY 10022
(212) 826-5351 (telephone)
(212) 753-0396 (facsimile)
e-mail: mfletcher@zeklaw.com
www.zeklaw.com

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transaction or matter may not be used by any person without the express prior written permission in each instance of a partner of this firm to support the promotion or marketing of or to recommend any Federal tax transaction(s) or matter(s) addressed herein.

Peter Skoufalos

From: John Delaney [JDelaney@zeklaw.com] on behalf of Barry J. Glickman [bglickman@zeklaw.com]
Sent: Wednesday, November 21, 2007 2:07 PM
To: 'Thomas H. Belknap (TBelknap@blankrome.com)'; 'pskoufalos@browngavalas.com'
Subject: Jalapa Shipping Limited v. Sundersons Ltd. et al.
Attachments: Letter to Honorable Richard J. Holwell, PDF

Please see attached.

John Delaney
Legal Secretary to Barry J. Glickman, Esq.
Zeichner Ellman & Krause
575 Lexington Avenue
New York, NY 10022



Letter to Honorable
Richard J....

EXHIBIT

“C”

CASTRO/T

BLANK ROME, LLP
 Attorneys for Plaintiffs
 ALLIED MARITIME INC. and
 MARITIMA ALLIED PTE LTD.
 Thomas H. Belknap, Jr. (TB-3188)
 The Chrysler Building
 405 Lexington Ave.
 New York, NY 10174-0208
 (212) 885-5000

USDS SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: 9128107
 DATE FILED: 9/28/07

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

ALLIED MARITIME INC. and
 MARITIMA ALLIED PTE LTD.,

Plaintiffs,

-against-

MILAN NIGERIA LTD.,

Defendant.

07 Civ. 3522 (PKC)

**NOTICE OF VOLUNTARY
 DISMISSAL AND RELEASE
OF RULE B ATTACHMENT**

PLEASE TAKE NOTICE, that whereas in the above-entitled action no answer or appearance has been served by defendant, and

WHEREAS, pursuant to Order for Process of Maritime Attachment entered May 2, 2007, this Court issued a Process of Maritime Attachment and Garnishment against the property belonging to defendant, MILAN NIGERIA LTD., under the control of, or held by various garnissees in New York.

NOW, on the consent of the attorney for plaintiff, it is

ORDERED, that pursuant to Fed.R.Civ.P. Supplemental Rule E(5)(c), the Process of Maritime Attachment and Garnishment issued in this action, be and is hereby vacated.

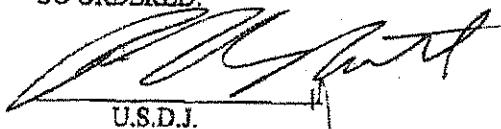
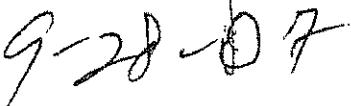
ORDERED, that the action is dismissed without prejudice pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure.

Dated: New York, New York
September 27, 2007

BLANK ROME, LLP
Attorneys for Plaintiff
ALLIED MARITIME INC. and
MARITIMA ALLIED PTE LTD.

By THS/J
Thomas H. Belknap, Jr. (TB-3188)
The Chrysler Building
405 Lexington Ave.
New York, NY 10174-0208
(212) 885-5000

SO ORDERED:


U.S.D.J.


CLOSED, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-03522-PKC

Allied Maritime, Inc. et al v. Milan Nigeria, Ltd.
Assigned to: Judge P. Kevin Castel
Demand: \$1,890,000
Cause: 28:1333 Admiralty

Date Filed: 05/02/2007
Date Terminated: 09/28/2007
Jury Demand: None
Nature of Suit: 120 Contract: Marine
Jurisdiction: Federal Question

Plaintiff**Allied Maritime, Inc.**

represented by **Thomas Hunt Belknap, Jr**
Blank Rome LLP
The Chrysler Building
405 Lexington Avenue
New York, NY 10174
(212) 885-5000
Fax: 212-885-5001
Email: tbelknap@blankrome.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Maritima Allied PTE., Ltd.**

represented by **Thomas Hunt Belknap, Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Milan Nigeria, Ltd.**

Date Filed	#	Docket Text
05/02/2007	1	COMPLAINT against Milan Nigeria, Ltd.. (Filing Fee \$ 350.00, Receipt Number 613825) Document filed by Allied Maritime, Inc., Maritima Allied PTE., Ltd..(tro) Additional attachment(s) added on 5/11/2007 (Becerra, Maribel). (Entered: 05/03/2007)
05/02/2007		SUMMONS ISSUED as to Milan Nigeria, Ltd.. (tro) (Entered: 05/03/2007)

05/02/2007		Magistrate Judge Ronald L. Ellis is so designated. (tro) (Entered: 05/03/2007)
05/02/2007		Case Designated ECF. (tro) (Entered: 05/03/2007)
05/02/2007	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Allied Maritime, Inc., Maritima Allied PTE., Ltd..(tro) Additional attachment(s) added on 5/11/2007 (Becerra, Maribel). (Entered: 05/03/2007)
05/02/2007	3	ORDER APPOINTING PROCESS SERVER: Michael Watson or any other person at least 18 years of age and not a party to this action, appointed by Blank Rome, LLP is appointed to serve the order directing clerk to issue process of maritime attachment and garnishment, the process of maritime attachment and any supplemental process and a copy of the verified complaint on garnishees identified in the garnishment order issued by the court and such additional garnishees as so permitted therein. (Signed by Judge P. Kevin Castel on 5/2/07) (dle) (Entered: 05/03/2007)
05/02/2007	4	ORDER directing the clerk to issue Maritime Attachment and Garnishment: that process of maritime attachment and garnishment shall issue to the garnishees named in Schedule A hereto, against all tangible or intangible property belonging to claimed by or being held for the dft by any garnishees within this District including but not limited to electronic fund transfers originated by, payable to, or otherwise for the benefit of dft, whether to or from the garnishee banks or any other electronic fund transfers in an amount of up to \$1,890,041.85 pas further set forth in this order. (Signed by Judge P. Kevin Castel on 5/2/07) (dle) (Entered: 05/03/2007)
05/07/2007		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Thomas Hunt Belknap, Jr for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document 1 Complaint, 2 Rule 7.1 Corporate Disclosure Statement to: case_openings@nysd.uscourts.gov. (laq) (Entered: 05/07/2007)
05/07/2007	5	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE. See order, the parties will prepare a joint letter and a case management plan. Initial Conference set for 6/15/2007 11:45 AM in Courtroom 12C, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel. (Signed by Judge P. Kevin Castel on 5/7/2007) (ad) (Entered: 05/07/2007)
06/04/2007	6	ENDORSED LETTER addressed to Judge P. Kevin Castel from Thomas H. Belknap, Jr. dated 6/1/07 re: counsel for plaintiff requests a 45-60 day extention of the preliminary conference set for 6/15/07. } Application GRANTED. The Initial Conference is adjourned to 7/27/07 at 10:00 a.m. Initial Conference set for 7/27/2007 (AT) 10:00 AM before Judge P. Kevin Castel. (Signed by Judge P. Kevin Castel on 6/4/07) (db) (Entered:

		06/05/2007)
07/17/2007	7	ENDORSED LETTER addressed to P. Kevin Castel from Thomas H. Belknap, Jr. dated 6/1/07 re: Plaintiffs request that the preliminary conference currently scheduled for 7/27/07 be adjourned for 60 days. ENDORSEMENT: Final Adjournment. Conference adjourned from 7/27/07 to October. (Signed by Judge P. Kevin Castel on 7/17/07) (ae) (Entered: 07/18/2007)
07/17/2007	8	ENDORSED LETTER addressed to Judge Castel from Thomas H. Belknap, Jr. dated 7/16/2007 re: Requesting an adjournment of the initial pretrial conference for 60 days. ENDORSEMENT: Final Adjournment. Conference adjourned from July 27 to October 12, 2007 at 10:00 a.m..Initial Conference set for 10/12/2007 at 10:00 AM in Courtroom 12C, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel. (Signed by Judge P. Kevin Castel on 7/17/2007) (ad) (Entered: 07/26/2007)
09/28/2007	9	NOTICE OF VOLUNTARY ORDER DISMISSAL AND RELEASE OF RULE B ATTACHMENT: It is ORDERED, that pursuant to Fed. R. Civ. P. Supplemental Rule B(5)(c), the Process of Maritime Attachment and Garnishment issued in this action, be and is hereby vacated. It is ORDERED, that the action is dismissed without prejudice pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure. (Signed by Judge P. Kevin Castel on 9/28/07) (tro) (Entered: 09/28/2007)

PACER Service Center			
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Milan Nigeria Limited is known as the Efficient Business Group, Milan & its associate companies Cover wide range of products & services with interests in Trading, Shipping, Hotel, Real Estate, Exports & Imports. Confl Agro Nigeria Limited an associate company is in the business of exports from West Africa and export agrproduce, forestry, Gems & stones, solid minerals,fruits & vegetables. To name few, Cocoa Beans, Sesame Seeds, Cashew Nuts, Gum Arabic & Dried & Spilt Ginger.

Member since: 31-08-2007

Last login: 01-09-2007

Contact details

Company Name

Company Address

Zip Code

City

Country

Phone number

Fax Number

Contact Person

Web Address

Milan Nigeria Limited

243 B Kofo Abayomi Street

Lagos

NIGERIA

461970 xx xx

262632xx xx

Ajit S.Gaonkar

(Hidden)

This company did chose to hide contact details..
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“E”



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Conti Agro Nigeria Limited

About Us

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Conti Agro Nigeria Limited is an Export Company operating under flagship company Milan Nigeria Limited and exports agro produce solid minerals, forestry, fruits & vegetables etc.

Basic Information

Company Name:	Conti Agro Nigeria Limited
Business Type:	Manufacturer, Trading Company
Product/Service:	Raw Cashew Nuts In Shell, Sesame Seeds, Dried & Split Ginger, Cocoa Beans, Gum Arabic Grade 1 & 2
Company Address:	243, Kofo Abayomi Street, Victoria Island, Lagos, Nigeria
No. of Total Employees:	501 - 1000 People

Ownership & Capital

Year Established:	1982
Legal Representative/Business Owner:	Ramesh Valecha
Registered Capital:	US\$10 Million - US\$50 Million
Ownership Type:	Corporation/Limited Liability Company

Trade & Market

Main Markets:	North America, South America, Eastern Europe, Southeast Asia, Africa, Oceania, Mid East, Eastern Asia, Western Europe
Main Customer(s):	Cadbury, Amul India
Total Annual Sales Volume:	Above US\$100 Million
Export Percentage:	71% - 80%

Total Annual Purchase Volume: Above US\$100 Million

Contract Manufacturing:

Buyer Label Offered

Contact Us

Conti Agro Nigeria Limited [View Company Details] [Nigeria] 

Address: 243, Kofo Abayomi Street, Victoria Island, Lagos, Nigeria

Offline

 View Contact Details

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Page 2 of 2

EXHIBIT

“F”

Peter Skoufalos

From: Ramesh Valechha [rameshvalechha@milangrp.com]
Sent: Monday, September 17, 2007 12:14 AM
To: pskoufalos@browngavalas.com
Cc: Vikram Valecha; Rajeshvalechha@milannigeria.com
Subject: Re: Cruiser Shipping Pvt Ltd

Dear Mr Skoufalos

As Vikram is travelling, I am replying on his behalf.

As communicated to you earlier, Milan Nigeria Limited has nothing to do with that transfer and Milan Nigeria Ltd did not originate any payment against any Hong Prosperity.

There must be some error somewhere and we advise that you please check with the originating banks.

Regards

Ramesh Valechha

EXHIBIT

“G”



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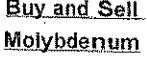
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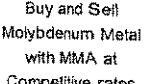
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Milan Nigeria Limited



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EXHIBIT

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